

FILED
8:41 O'Clock A M

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

APR 20 2011

JEANNE HICKS, Clerk
BY Rita Storms
Deputy

DIVISION PRO TEM B

HON. WARREN R. DARROW

By: Diane Troxell, Judicial Assistant

CASE NUMBER: V1300CR201080049

Date: April 19, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Sheila Sullivan Polk
Yavapai County Attorney
Bill Hughes, Esq.
Steven Sisneros, Esq.
Deputy Yavapai County Attorneys

(Plaintiff)

(For Plaintiff)

vs.

JAMES ARTHUR RAY

Thomas K. Kelly, Esq.
425 E. Gurley
Prescott, AZ 86301

Luis Li, Esq.
Brad Brian, Esq.
Truc Do, Attorney at Law
Miriam Seifter, Attorney at Law
MUNGER TOLLES & OLSON LLP
355 S. Grand Avenue, 35th Fl.
Los Angeles, CA 90071

(Defendant)

(For Defendant)

**UNDER ADVISEMENT RULING ON STATE'S MOTION TO COMPEL
DISCLOSURE OF CIVIL LAWSUITS and DEFENDANT'S MOTION TO COMPEL
DISCLOSURE OF BRADY MATERIAL**

The Court has considered the pleadings and the arguments of counsel.

The State must, of course, disclose all *Brady* material. The assumption that the Defendant would have knowledge of a lawsuit because he or a corporation with which he has some affiliation is a party is not necessarily correct. Depending on the jurisdiction for the civil suit, it is conceivable that a complaint could be filed for some time before service of process is completed. Thus, a person may be unaware that he has been named as a defendant in a lawsuit. The State should not assume that the Defendant has knowledge of a suit; if the State knows that a complaint has been filed (or is merely being contemplated) by a witness, it must inform the Defendant of that knowledge. The State must disclose any other *Brady* and Rule 15.1(b)(8) material or information that is within its knowledge or control.

Aside from the *Brady* obligation noted above, the Court concludes that neither party has made a showing that would justify disclosure, at this late date, of information relating to civil lawsuits. Therefore,

IT IS ORDERED that the motions of both parties are **denied** except as set forth above.

DATED this 20th day of April, 2011.

A handwritten signature in cursive script, reading "Warren R. Darrow", written in black ink.

Warren R. Darrow
Superior Court Judge

cc: Victim Services Division